

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IVAN KOVALEV and MINTIWAB HILL, *on  
behalf of themselves and all others similarly  
situated*,

Plaintiffs,

-against-

A.G. CONSULTING ENGINEERING, P.C.,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/8/2024

22-cv-5954 (MKV)

ORDER GRANTING  
CONDITIONAL CERTIFICATION  
OF COLLECTIVE ACTION

MARY KAY VYSKOCIL, United States District Judge:

The Court has carefully considered Plaintiffs’ unopposed motion, pursuant to 29 U.S.C. § 216(b), for condition certification of their claims under the Fair Labor Standards Act (“FLSA”) [ECF Nos. 57, 58]. The Court has also carefully reviewed Plaintiffs’ declarations, Proposed Notice of Pendency of Collective Action, Proposed FLSA Opt-In Form, and other exhibits [ECF No. 59]. The Court finds that Plaintiffs have made a modest factual showing that there is a group of potential opt-in plaintiffs who may be similarly situated to Plaintiffs with respect to whether a violation of the FLSA has occurred. *See Myers v. Hertz Corp.*, 624 F.3d 537, 555 (2d Cir. 2010); *Viriri v. White Plains Hosp. Med. Ctr.*, 320 F.R.D. 344, 348 (S.D.N.Y. 2017).

Accordingly, IT IS HEREBY ORDERED that the Court conditionally certifies a FLSA collective action for: (i) current and former “field employees,” (ii) who were employed between July 13, 2019 and the present, (iii) were paid on an hourly basis, (iv) worked in excess of 40 hours per week, (v) were either not paid the required overtime rate, or were required to perform unpaid pre- or post-shift work in excess of 40 hours per week, and (vi) opt in to this action.

IT IS FURTHER ORDERED that the Court further approves Plaintiffs’ Proposed Notice of Pendency of Collective Action form.

IT IS FURTHER ORDERED that, within 14 days of this Order, Defendant shall produce to Plaintiffs, in s, in Excel spreadsheet format, a list of the names, last-known mailing and e-mail addresses, and telephone numbers for all individuals who meet the criteria for the conditionally-certified collective action set forth above.


IT IS FURTHER ORDERED that notice of the collective action shall issue to potential opt-in plaintiffs by mail and email.

IT IS FURTHER ORDERED that Plaintiffs shall be permitted to send a reminder notice to collective action members 45 days prior to the close of the opt-in period.

The Clerk of Court respectfully is requested to terminate the motion pending at docket entry number 57.

**SO ORDERED.**

**Date: July 8, 2024**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**